

REMARKS

I. OBJECTIONS TO THE ABSTRACT:

On page 2, the Office Action objects to the abstract of the disclosure because the abstract is merely the cover page of WO 2005/0801401. The Applicants currently submit an abstract in proper form. Accordingly, the Applicants respectfully request that this objection be reconsidered and withdrawn.

II. Objections to the Claims:

Further on page 2, the Office Action objects to claims 1, 3, 4, 11, 13, 15 and 18 for various informalities. Claim 1 is currently amended to replace "second circulation means are" with "second circulation path is." Claim 3 is currently amended to replace "comprise" with "comprises." Claim 4 is currently amended to replace "the apertures" with "the one or more apertures." Claim 10 is currently amended to depend from claim 9 and thus correct the dependency of claim 11 on claim 10. Claim 13 is currently amended to replace "are mounted" with "is mounted." Claim 15 is currently amended to replace "the apertures" with "the one or more apertures" and "an outlet" with "the outlet." Claim 18 is currently amended to replace "the first surface" with "the first cover." In view of these amendments, the Applicants respectfully request that these objections be reconsidered and withdrawn.

III. RESPONSE TO 35 U.S.C. §112, 6TH PARAGRAPH, IMPLEMENTATION:

On page 3, the Office Action notes that the “first circulation means,” “second circulation means” and “heat transfer means” recited in claim 1, as well as the “path defining means” recited in claim 15, are considered to implement §112, paragraph six. These claim elements are currently amended to recite “first circulation device,” “second circulation device,” “heat transfer structure” and “path defining structure,” respectively. In view of these amendments, the Applicants respectfully submit that 35 U.S.C. §112, paragraph six, is no longer invoked.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. §112, 2ND PARAGRAPH:

On page 4, the Office Action rejects claims 1 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner asserts that the phrase “heat transfer means between the enclosure and the surrounding space” is unclear because the heat transfer means (78) appears to be in the surrounding space. The Applicants amend claim 1 to recite “heat transfer structure positioned on each side of the first cover.”

V. CLAIM REJECTIONS UNDER 35 U.S.C. §102(B):

Further on page 4, the Office Action rejects claims 1-5, 9-17, 19-20 and 24 as being anticipated by U.S. Pre-Grant Publication No. 2001/0052412 to Tikka. Claim 1 is currently amended to incorporate the subject matter of claims 6 and 7, which are currently cancelled without prejudice. Claim 1 is further amended to recite that the enclosure is “environmentally-sealed.” This

feature is supported on page 5, lines 9-12 of the specification as originally filed. No new matter is added. Claims 2-4, 9-18 and 24 are currently amended. For at least the following two reasons, the Applicants respectfully request reconsideration and withdraw of this rejection.

First, Tikka does not disclose “a first cover to cover *a first part of the electrical apparatus* to be cooled,” and “a third cover ... to define a second enclosure that houses *a second part of the electrical apparatus* to be cooled,” as recited in amended claim 1. Rather, in Tikka the “telecommunications components 1, 2 and 3” are each positioned within a single equipment cabinet. *See Paragraph [0024] and FIG. 1*. Accordingly, Tikka houses telecommunication components 1 and 2 together, not separately as claimed.

Second, Tikka does not disclose “*an environmentally-sealed enclosure* that houses the first part of the electrical apparatus to be cooled,” as recited in claim 1. Rather in Tikka, “a second set of cooling equipment incorporating at least one fan (105) and filter (104) through which the fan *draws outdoor air into the cabinet*, and an outlet opening (106) through which the *air inside the cabinet is forced outside*, the air circulation inside the cabinet being open.” *See Claim 1*. Thus, the cooling system of Tikka allows the circulation of outside air through the equipment cabinet shown in FIG. 1. In contrast, as defined in the specification, “the electronics enclosure [of claim 1] is environmentally sealed to protect components against the typically harsh environmental conditions encountered in the field.” *See Specification, Page 5: Lines 9-12*. Therefore, the equipment cabinet of Tikka, which allows the circulation of outside air, is not “an environmentally-sealed enclosure,” as recited in claim 1.

In conclusion, Tikka fails to disclose “a first cover to cover a first part of the electrical apparatus to be cooled,” and “a third cover ... to define a second enclosure that houses a second part of the electrical apparatus to be cooled,” as recited in amended claim 1. Tikka also fails to disclose “an environmentally-sealed enclosure that houses the first part of the electrical apparatus to be cooled,” as recited in claim 1. Claims 2-5, 9-17, 19-20 and 24 depend from independent claim 1 and are patentable for at least the same foregoing reasons.

VI. CLAIM REJECTIONS UNDER 35 U.S.C. §103(A):

(1) On page 9, claims 18 and 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tikka in view of the Examiner’s Official Notice. Claims 18 and 21-23 are dependent on independent claim 1 and are patentable for at least the same foregoing reasons. The Examiner’s Official Notice does not remedy the deficiencies of Tikka, as discussed above. In view of the foregoing amendments and remarks, the Applicants respectfully request that the present rejection be reconsidered and withdrawn.

(2) On page 10, claims 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tikka in view of U.S. Patent No. 6,877,551 to Stroller.

The subject matter of claims 6 and 7 is currently incorporated into independent claim 1, which now recites in part: “a third cover mounted to an opposite side of the base plate from the first cover to define a second enclosure that houses a second part of the electrical apparatus to be cooled; and a heat exchange structure positioned within the second enclosure, wherein the second circulation device is arranged to drive cooling fluid both through the heat exchange structure to

draw heat from the second enclosure and through the surrounding space, via the one or more apertures, to draw heat from the environmentally-sealed enclosure.” For at least the following two reasons, the Applicants respectfully request reconsideration and withdrawal of this rejection.

First, Tikka in view of Stoller does not disclose “**a base plate** on which the first cover is mounted to define an environmentally-sealed enclosure that houses the first part of the electrical apparatus to be cooled [and] ... a third cover mounted to the opposite side of the base plate from the first cover to define a second enclosure that houses a second part of the electrical apparatus to be cooled,” as recited in currently amended claim 1.

The Office Action admits that “Tikka fails to specifically teach or suggest a partition defining an enclosure for a second part of the electrical apparatus to be cooled.” *See pages 10-11*. Stoller, meanwhile, discloses “an electronics compartment 212 which typically holds electronic equipment,” “a battery compartment 214 which typically holds one or more batteries and related equipment,” and a “cooling compartment 220 [which] typically surrounds the electronics compartment 212 ... and serves to circulate air around the walls of the electronics compartment 212 to facilitate thermal transfer from the electronics compartment 212.” *Col. 5: Lines 55-56; Col. 5: Line 66- Col. 6: Line 1; Col. 6: Lines 28-32*. The Office Action aligns the “wall portion below 212 that defines the top of 214” with the base plate of claim 1. *See page 11*.

However, Stoller does not disclose a base plate on which **both** the electronics compartment 212 and the battery compartment 214 are mounted. Rather, in all embodiments shown in Stoller, the electronics compartment 212 and the battery compartment 214 are separated by the cooling compartment 220, not by a base plate. *See FIG. 2A and 3-9*.

Additionally, Stoller does not disclose “a base plate on which the first cover is mounted to define an environmentally-sealed enclosure that houses” the electronics compartment 212, as claimed. Rather, in Stoller, the “electronics compartment 212 is typically formed of separate walls from those that form the other compartments of the cabinet 200.” *Col. 5: Lines 60-62.*

In summary, the combination of Tikka and Stoller does not disclose “a base plate on which the first cover is mounted to define an environmentally-sealed enclosure that houses the first part of the electrical apparatus to be cooled [and] ... a third cover mounted to the opposite side of the base plate from the first cover to define a second enclosure that houses a second part of the electrical apparatus to be cooled,” as recited in currently amended claim 1.

Second, Tikka in view of Stoller does not disclose “a second circulation device ... ***arranged outside of the surrounding space,***” as recited in currently amended claim 1.

The Office Action aligns the “fan 105” of Tikka with the second circulation device of claim 1. However, the fan 105 of Tikka is not positioned outside of the surrounding space, as claimed. Rather, the fan 105 of Tikka is positioned in the opening ***between*** the equipment cabinet and the “flow through cooling circuit.” *See Page 2: Paragraph 0023; Fig. 1.*

Further, although not addressed in the Office Action, Stoller does not disclose “a second circulation device ... arranged outside of the surrounding space,” as recited in claim 1. In Stoller, a “cooling compartment 220 typically surrounds the electronics compartment 212 ... and serves to circulate air around the walls of the electronics compartment 212 to facilitate thermal transfer from the electronics compartment 212.” *Col. 6: Lines 28-32.* However, in Stoller the “external fans 222” are arranged ***within*** the cooling compartment 220 as shown in Figures 2-9, not outside of the surrounding space as claimed.

In conclusion, the combination of Tikka and Stoller does not disclose “a base plate on which the first cover is mounted to define an environmentally-sealed enclosure that houses the first part of the electrical apparatus to be cooled [and] ... a third cover mounted to the opposite side of the base plate from the first cover to define a second enclosure that houses a second part of the electrical apparatus to be cooled,” as recited in currently amended claim 1. Nor does it disclose “a second circulation device ... arranged outside of the surrounding space,” also recited in claim 1. Thus, the Applicants respectfully request that Examiner reconsider and withdraw the rejection, with respect to currently amended claim 1, for at least the foregoing reasons.

(3) On page 11, claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tikka in view of Stoller and in further view of the Applicant’s Admitted Prior Art. Claim 8 is dependent on independent claim 1 and is patentable for at least the same foregoing reasons. The Applicant’s Admitted Prior Art does not remedy the deficiencies of Tikka, as discussed above. In view of the foregoing amendments and remarks, the Applicants respectfully request that the present rejection be reconsidered and withdrawn.

(4) Further on page 11, claims 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicant’s Admitted Prior Art in view of Tikka. Claims 25-26 are dependent on independent claim 1 and are patentable for at least the same foregoing reasons. The Applicant’s Admitted Prior Art does not remedy the deficiencies of Tikka, as discussed above. In view of the foregoing amendments and remarks, the Applicants respectfully request that the present rejection be reconsidered and withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 41557-234852.

Dated: November 9, 2009

Respectfully submitted,

By /Robert Kinberg/

Robert Kinberg

Registration No.: 26,924

Leigh D. Thelen

Registration No.: 64,582

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant

#1070845